

FISCAL NOTE

HB 2530 - SB 2949

February 24, 2006

SUMMARY OF BILL: Creates a presumption that in cases where the court finds a preponderance of evidence that a parent has abandoned a child, sole custody to the parent that has not abandoned the child is in the best interest of the child, unless there is clear and convincing evidence to the contrary.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The Department of Children’s Services believes that the four-month time frame for due process that is set forth in the proposed legislation will not be in compliance with the standards of the Adoption and Safe Families Act (ASFA). This could result in a loss in federal funds of \$72,700,000 which would have to be replaced by state funds.

Assumptions:

- The Department of Children’s Services currently allows a parent 12 months to complete his or her case plan and regain custody of the child which the Department feels is in accordance with ASFA standards.
- The Department receives Title IV-E Federal Funds totaling \$56,312,200, Title IV-B Part 1 Federal Funds totaling \$5, 986, 300, and Title IV-B Part 2 Federal Funds totaling \$10,385,900.
- The state could no longer claim \$72,684,400 in federal funds if the proposed legislation is not in compliance with the standards of the Adoption and Safe Families Act.
- Any increase on caseloads for the state trial courts and appellate courts would be absorbed in existing resources.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director